UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.113
27 April 2001

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-eighth session
6-23 March 2001

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

ALGERIA

1. The Committee considered the thirteenth and fourteenth periodic reports of Algeria, which were due on 15 March 1997 and 1999, respectively, submitted as one document (CERD/C/362/Add.6), at its 1445th meeting (CERD/C/SR.1445), held on 9 March 2001. At its 1459th meeting (CERD/C/SR.1459), held on 20 March 2001, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the thirteenth and fourteenth periodic reports as well as the additional information that the State party's delegation provided during its oral presentation and in writing, and expresses its appreciation for the opportunity to continue its dialogue with the State party. The Committee notes with appreciation that the report was more exhaustive than the previous periodic report, particularly with regard to constitutional and legal provisions.

B. Positive aspects

3. It is noted with appreciation that the State party has made the declaration under article 14 of the Convention recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals.

4. The Committee welcomes the fact that, pursuant to article 132 of the Constitution, international instruments that have been ratified and promulgated by the State party, including the International Convention on the Elimination of all Forms of Racial Discrimination, form part of and take precedence over norms of the State party's domestic law, and can be invoked directly before the courts.

5. The Committee welcomes the ongoing reforms with regard to the administration of justice and the setting up of a National Commission for the Reform of the Justice System, by means of presidential decree No. 99-234 of 19 October 1999.

6. The Committee notes as positive the announcement by the delegation of the forthcoming establishment of a new National Advisory Commission for the Promotion and Protection of Human Rights, the members of which would include civil society organizations and half the membership of which would be women, and which would closely coordinate with the National Human Rights Observatory.

7. The Committee welcomes the initiatives taken by the Government in the area of human rights education, including the establishment of a United Nations Educational, Scientific and Cultural Organization Chair in the teaching of human rights in the University of Oran. The incumbent would be responsible for organizing and promoting an integrated system of human rights research, teaching, information and documentation, as well as human rights training at the National Judicial Training Institute, the Police Training School and the National Prison Administration Training School.

8. The Committee appreciates the recognition in the Algerian Constitution of the Islamic, Arab and the Amazigh components of Algerian identity and encourages the efforts to introduce teaching of the Amazigh language in schools.

C. Concerns and recommendations

9. Noting the absence of statistical data on the ethnic composition of Algerian society, the Committee recommends that the State party provide an estimate of the composition of the population as requested in paragraph 8 of the reporting guidelines and, in particular, information on social indicators reflecting the situation of ethnic groups, including the Amazigh community. In this connection, the Committee draws the attention of the State party to its General Recommendation VIII concerning the identification of members of particular racial and ethnic groups.

10. The Committee expresses its concern at the Law on the Generalization of the Arabic Language of 5 July 1998, prohibiting the use of languages other than Arabic in various fields. While noting the statement by the delegation that the Law on the Generalization of Arabic Language has not been applied in practice, the Committee urges the Government to review this law as a matter of priority, particularly in the context of the steps taken to promote the Amazigh language.

11. The Committee notes that articles 27 and 42 of the Constitution of Algeria prohibit discrimination based on race, language or religion. Nevertheless, it is concerned at the inadequate provisions in domestic legislation to address diverse aspects of racial discrimination. It thus reiterates its recommendation that the State party consider incorporating in its domestic legislation a prohibition of racial discrimination in accordance with the Convention and provisions for enforcing the prohibition.

12. While noting the efforts by the State party to amend its criminal code, notably article 298 and article 299, in accordance with the recommendations of the Committee at the examination of the eleventh and twelfth periodic reports, the Committee remains concerned about the State party's failure to comply fully with all requirements of article 4 of the Convention and recommends that further steps be taken to accelerate the legislative review process.

13. With regard to article 5, the Committee notes that the facts and figures provided in the report are in relation to the totality of the population and are not disaggregated. In this connection, the Committee wishes to receive detailed information on the application of the provisions of this article to the nomadic groups in the next periodic report.

14. The Committee reiterates its previous recommendation that the next periodic report of the State party contain all available information on complaints and court cases relating to racial discrimination and also information on the right of individuals to seek adequate reparation for any damage suffered as a result of such discrimination, as provided for in article 6 of the Convention.

15. The Committee notes that despite the significant steps taken by the Government to preserve and promote the Amazigh identity through the setting up of a High Commission on Amazighness, no additional information has been given on this population group, on measures taken for the protection and promotion of its culture and language, or on the activities of the High Commission on Amazighness. The Committee is concerned about reports of inadequate functioning of this Commission and requests additional, concrete information with regard to the functioning, membership and performance of the Commission in promoting Amazigh language and culture.

16. The Committee requests that in its next periodic report, the State party provide information on the role of the National Advisory Commission for the Promotion and Protection of Human Rights in monitoring the implementation of the State party's treaty obligations and on the coordination between this organization and the National Human Rights Observatory.

17. The Committee recommends that the State party's periodic reports be made widely available to the public from the time they are submitted and that the Committee's concluding observations be similarly publicized. In addition, all sectors of society should be informed and educated about the provisions of the Convention, including those of article 14.

18. The Committee further recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted by the Fourteenth Meeting of States Parties.

19. The Committee recommends that the State party submit its fifteenth periodic report jointly with its sixteenth periodic report, due on 15 March 2003, and that it addresses the points raised in the present observations.